

## HUMAN SERVICES DEPARTMENT[441]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services amends Chapter 156, "Payments for Foster Care," Iowa Administrative Code.

These amendments reflect an increase in maintenance payments and initial allowance for supervised apartment living placements as published in the Department's Request for Proposal ACFS-11-15. The previous maintenance payment was based upon the foster family maintenance payment for children aged 16 to 20 and has increased only \$88 since 1998. Based on economies of scale, one child living in an apartment and covering all expenses other than medical requires a higher maintenance payment to maintain safe and stable housing. These amendments increase the maintenance payment from \$573.90 per month to \$750 per month and increase the initial allowance from \$400 to \$600.

The amendments also make technical changes to update the legislative reference for freezing foster family payments rather than setting them according to the USDA estimated costs for raising a child as required in Iowa Code section 234.38.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on July 27, 2011, as **ARC 9625B**. The Department received no comments on the Notice of Intended Action.

One technical change has been made to the amendments published under Notice of Intended Action. New Item 4 has been added to correct an address and the subsequent item has been renumbered.

The Council on Human Services adopted these amendments on September 14, 2011.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 234.35 and 2011 Iowa Acts, House File 649, section 28(4).

These amendments shall become effective on November 9, 2011.

The following amendments are adopted.

ITEM 1. Amend rule **441—156.6(234)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 234.38 and 2010 Iowa Acts, House File 2526, section 33(4), and House File 2531 649, section 83(5) 28(4).

ITEM 2. Amend subrule 156.8(2) as follows:

**156.8(2) Supervised apartment living.** ~~When~~ Effective July 1, 2011, when a youth child is initially placed in supervised apartment living, the service area manager or designee may authorize an allowance not to exceed \$400 \$600 if the youth child does not have sufficient resources to cover initial costs.

ITEM 3. Adopt the following new implementation sentence in rule **441—156.8(234)**:

This rule is intended to implement Iowa Code section 234.35.

ITEM 4. Amend paragraph **156.9(2)“b”** as follows:

*b. Procedure.* The service area manager or chief juvenile court officer shall submit the request for director's exception to the ~~Bureau of Policy Analysis~~ Appeals Section, Department of Human Services, Fifth Floor, Hoover State Office Building, Des Moines, Iowa 50319-0114. This request shall be made in advance of placing the child and should allow a minimum of two weeks for a response. The request shall contain documentation addressing the criteria for director's approval listed in 156.9(2)“a.”

ITEM 5. Amend rule 441—156.12(234) as follows:

**441—156.12(234) Supervised apartment living.**

**156.12(1) Maintenance.** ~~When~~ Effective July 1, 2011, when a youth child at least aged 16½ but under the age of 20 is living in a supervised apartment living situation, the ~~maximum~~ monthly

maintenance payment for the ~~youth child~~ shall be ~~\$573.90~~ \$750. This payment may be paid to the ~~youth child~~ or another payee, other than a department employee, for the ~~youth's care~~ child's living expenses.

**156.12(2)** No change.

This rule is intended to implement Iowa Code section 234.35 and 2011 Iowa Acts, House File 649, section 28(4).

[Filed 9/14/11, effective 11/9/11]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/5/11.